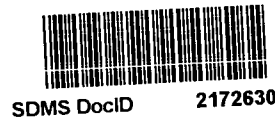




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029



**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

DEC 18 2013

Killeen Disposal, LLC  
c/o Richard Heller  
4326 Acacia Circle  
Coconut Creek, FL 33066-2051

**Re: Required Submission of Information  
Lower Darby Creek Area Superfund Site,  
Operable Unit 1 - Clearview Landfill  
Darby Township, Delaware County and Philadelphia, Pennsylvania**

Dear Mr. Heller:

The U.S. Environmental Protection Agency ("EPA") is seeking information related to the release, or threat of release, of hazardous substances, pollutants or contaminants into the environment from Operable Unit 1 ("OU1") of the Lower Darby Creek Site ("Site"), commonly referred to as the Clearview Landfill, located along Darby Creek in Darby, Pennsylvania. EPA is investigating the source of contamination at and from the Clearview Landfill. Based on information obtained by EPA as part of its continuing investigation, EPA is seeking information related to Killeen Disposal, LLC's ("Killeen's" or "your") ownership and operation of the Clearview Landfill. The specific information required is attached to this letter as Enclosure E. Further directions regarding your response to this letter can be found in Enclosures A, B, C, and D.

Pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e). EPA has the authority to require Killeen to furnish all information and documents in its possession, custody, or control, or in the possession, custody, or control of any of its employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), pollutants and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. § 9601(33), which were transported to, stored, treated, or disposed of at the above-referenced Site.

Section 104 of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

Please respond in writing to this required submission of information within **thirty (30) calendar days** of your receipt of this letter.

If, for any reason, you do not provide all information responsive to this letter, then in its answer to EPA Killeen should: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

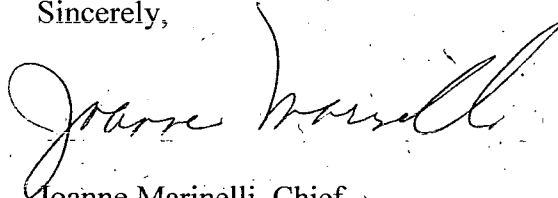
All documents and information should be sent to:

Carlyn Winter Prisk (3HS62)  
U.S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

If you have any questions concerning this matter, please contact Ms. Prisk at (215) 814-2625, or have your attorney contact Senior Assistant Regional Counsel Bonnie A. Pugh at (215) 814-2680.

Sincerely,



Joanne Marinelli, Chief  
Cost Recovery Branch

- Enclosures: A. Business Confidentiality Claims/Disclosure of Your Response to  
EPA Contractors and Grantees  
B. List of Contractors that May Review Your Response  
C. Definitions  
D. Instructions  
E. Information Requested

cc: Bonnie A. Pugh (3RC43) -  
Joshua Barber (3HS21)  
Noreen Wagner (PADEP)  
Andrew J. Donaghy, Esq. (17 West Third Street, P.O. Box 108, Media, PA 19063)

## **Enclosure A**

### **Business Confidentiality Claims**

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

### **Disclosure of Your Response to EPA Contractors and Grantees**

EPA may contract with one or more independent contracting firms (See, Enclosure B) to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. § 9604(e)(7), and EPA's regulations at 40 C.F.R. § 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure B, you must notify EPA in writing at the time you submit such documents.

## Enclosure B

[rev. 11/2013]

### List of Contractors That May Review Your Response

**Emergint Technologies, Inc.**

Contract # EP-W-11-025

Subcontractor: Booz-Allen & Hamilton

**Booz-Allen & Hamilton**

Contract # EP-W-11-016

**CDM-Federal Programs Corporation**

Contract # EP-S3-07-06

Subcontractors: CDI-Infrastructure, LLC d/b/a L.R.  
Kimball  
Avatar Environmental LLC  
Terradon Corporation

**Chenega Global Services, LLC**

Contract #EP-S3-09-02

**EA Engineering, Science and Technology, Inc.**

Contract #EP-S3-07-07

Subcontractor: -URS

**Eisenstein Malanchuck, LLP**

Contract #EP-W-13-006

Subcontractors: R. M. Fields International, LLC  
James C. Hermann & Associated

**Hydrogeologic (HGL)**

Contract #EP-S3-07-05

Subcontractor: CH2MHill  
Sullivan International

**Weston Solutions**

Contract #EP-S3-1005

**Tech Law, Inc.**

Contract #EP-S3-1004

**Tetra Tech NUS, Inc.**

Contract #EP-S3-07-04

**Kemron Environmental Services, Inc.**

Contract #EP-S3-12-01,

Subcontractor: AECOM Technical Services, Inc.

**Guardian Environmental Services Company, Inc.**

Contract #EP-S3-12-02,

Subcontractors: Aerotek, Inc.,  
Tetra Tech, Inc.

**Environmental Restoration, LLC**

Contract # EP-S3-12-03

Subcontractors: Aerotek, Inc.

Haas Environmental, Inc.,  
Hertz

**WRS Infrastructure & Environment, Inc.**

Contract # EP-S3-12-05

**ICF International**

Contract # EP-BPA-12-W-0003

Cooperative Agreements

**12. National Association of Hispanic Elderly**

CA# CQ-835398

**National Older Workers Career Center**

CA# Q-835030

## Enclosure C

### Definitions

1. The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
2. The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
3. The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 of the U.S. Code, (b) any element, compound, mixture, solution, or substance designated pursuant to Section 9602 of CERCLA, (c) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (42 U.S.C. § 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq., has been suspended by Act of Congress), (d) any toxic pollutant listed under Section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act, 42 U.S.C. § 7412, and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to Section 2606 of Title 15 of the U.S. Code. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).
4. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical

deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

5. The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, 42 U.S.C. § 2011 et seq., if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act, 42 U.S.C. § 2210, or, for the purposes of Section 9604 of CERCLA or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under 42 U.S.C. §§ 7912(a)(1) and 7942(a) and (d) the normal application of fertilizer.
  6. The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
  7. The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.
-

## **Enclosure D**

### **Instructions**

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure A, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure C, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure C. Those terms shall have the meaning set forth in Enclosure C any time such terms are used in this Information Request and/or its Enclosures.

## **Enclosure E**

### **Information Required**

1. State the full and legal name of your business, its mailing address, and telephone number. Further identify:
  - a. The date on which your business was started and the state in which it was formed;
  - b. Whether your business is a sole proprietorship, general partnership, limited partnership, Limited Liability Company, or corporation. Provide copies of all partnership agreements, articles of incorporation, or other documents related to the formation and current status of the business.
  - c. The name of your business' parent company(ies), subsidiaries, or other affiliated entities;
2. What is the current nature of the business or activity conducted by you at the property located at Avenue A and Darby Creek in Darby Township and formerly operated as the Clearview Landfill ("the Property")?
3. When did you begin operating at the Property? Has the nature of your operations at the Property changed since you began operating there?
4. Identify all persons you currently or formerly employees who have or may have personal knowledge of your operations and waste disposal practices at the Property. For each such person, state that person's employer, job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.
5. Who is the current owner of the Property?
6. Are you currently paying, or have you historically paid, the real estate taxes on the Property? List the years for which you have paid these taxes.
7. If you are not currently paying, or have no historically paid, the real estate taxes on the Property, identify the party or parties that are paying or have paid the taxes and the specific years in which each party or parties did so.
8. Describe, in detail, and provide a copy of, the current or historic lease arrangements or agreements, between you, and/or Clearview Land Development Company, and or Michael Heller, Richard Heller, City Wide Service, Inc., and/or any other party or individual, for use of the Property. Further, identify:
  - a. To whom you currently pay rent for use of the Property;
  - b. All parties to whom rent has ever been paid, if different from those identified in response to Question 8a.



- c. What are the current terms of your lease arrangements or agreements for use of the Property? Provide a copy of your current lease or use agreement.
  - d. Have the terms described in response to Question 8c changed since you began leasing the Property? Describe all changes in detail.
9. Identify all hazardous and non-hazardous waste streams generated by you during your operations at the Property.
10. Describe your waste disposal practices for each waste stream identified in Question 9. Your response should include how each such waste stream was stored prior to disposal, the method in which each such waste stream was disposed, the entity or person that transported each such waste stream and the name of the disposal location for each such waste stream.
11. Provide copies of all documents generated or maintained by you concerning handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste. If documents no longer exist:
- a. Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;
  - b. Describe any permits or permit applications and any correspondence between your business and any regulatory agencies regarding the transportation and disposal of such wastes; and
  - c. Describe any contracts or correspondence between your business and any other company or entity regarding the transportation and disposal of such wastes.
12. Did you ever spill or cause a release of any chemical, hazardous substance, and/or hazardous waste and/or non-hazardous solid waste containing hazardous substances at the Property? If yes, then identify the following:
- a. The date(s) the spill(s)/release(s) occurred;
  - b. The location(s) at which the spill(s)/release(s) occurred;
  - c. The composition (i.e., chemical analysis) of the materials which were spilled/released; and
  - d. The responses made by or on your behalf with respect to the spill(s)/release(s).

**104(e) TRACKING UPDATES**FILE USER PRISKEXT. 2625SITE NAME LOWER DARBY CREEK DATE 4/30/14PRP NAME KILLEEN DISPOSAL, LLC DSN PA-3424

COMMENTS:

SDMS  
LIT HOLD

Please indicate "PFE" or "CBI" on appropriate documents.

**REMEDIAL ENFORCEMENT PLANNING****2c CORRESPONDENCE BY PRP**

- ☐ 104(e) Letters
- ☐ Follow-up 104(e) Letters
- ☐ 104(e) Responses

**REMEDIAL ENFORCEMENT IMPLEMENTATION****4a NEGOTIATIONS/SETTLEMENTS**

- ☐ 104(e) Letters re: *De Minimis* Settlement
- ☐ Follow-up 104(e) Letters
- ☐ 104(e) Responses re: *De Minimis* Settlement

**REMOVAL ENFORCEMENT PLANNING****7c CORRESPONDENCE BY PRP**

- ☐ 104(e) Letters
- ☐ Follow-up 104(e) Letters
- ☐ 104(e) Responses

☒ FILE☐ RETURN TO USER

DATE COMPLETED \_\_\_\_\_

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Killeen Disposal, LLC  
c/o Richard Heller  
4326 Acacia Circle  
Coconut Creek, FL 33066-2951

2. Article Number

(Transfer from service label)

7003 1680 0005 4384 8667

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*R Heller*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

*R Heller*

C. Date of Delivery

*12/12/13*

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

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USPS  
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**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY**

**REGION III  
1650 ARCH STREET  
MAIL CODE \_\_\_\_\_  
PHILADELPHIA, PA 19103-2029**

*CWP  
34562*

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PENALTY FOR PRIVATE USE \$300**



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4326 Acacia Circle  
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- A record of delivery kept by the Postal Service for two years

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  - **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
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  - For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
  - If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.
- IMPORTANT: Save this receipt and present it when making an inquiry.**  
**Internet access to delivery information is not available on mail addressed to APOs and FPOs.**